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 DIAMOND X RANCH LLC

Attorneys for Defendant  
 ATLANTIC RICHFIELD COMPANY

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

DIAMOND X RANCH, LLC

Plaintiff,

v.

ATLANTIC RICHFIELD COMPANY,

Defendant.

Case No.: 3:13-cv-00570-MMD-WGC

**ORDER RE: STIPULATION AND  
 PROTECTIVE ORDER**

Pursuant to Federal Rule of Civil Procedure 26(c), Plaintiff Diamond X Ranch, LLC and Defendant Atlantic Richfield Company (collectively, the “Parties”) stipulate and move the Court for a Protective Order concerning the treatment of Confidential Information, and, as grounds therefor, state as follows:

1. The Parties recognize that both sides may exchange Confidential Information in the course of discovery. The Parties agree that the disclosure of such Confidential Information outside the scope of this litigation could result in significant injury to one or more of the Parties’ business or privacy interests. The Parties have entered into this Stipulation and request the Court

1 enter the within Protective Order for the purpose of preventing the disclosure and use of  
2 Confidential Information except as set forth herein.

3 2. Confidential Information includes, but is not limited to: trade secrets; non-public  
4 financial information such as contracts for property, goods or services, bills, invoices and other  
5 cost records, tax returns, and financial statements; and any document that a producing party  
6 labels as “confidential” unless the receiving party successfully challenges that designation.

7 3. All Confidential Information provided by a Party in response to a discovery  
8 request, transcribed testimony, or otherwise in this litigation shall be subject to the following  
9 restrictions: (a) It shall be used only for the purpose of this litigation, including use by counsel,  
10 experts, and consultants, and not for any business or other purpose whatsoever; and (b) It shall  
11 not be communicated or disclosed by any Party’s counsel or a Party in any manner, either  
12 directly or indirectly, to anyone except for purposes of this litigation.

13 4. Individuals authorized to review Confidential Information pursuant to this  
14 Protective Order shall hold such information in confidence and shall not divulge the information,  
15 either verbally or in writing, to any other person, entity, or government agency unless authorized  
16 or compelled to do so by law or court order. Any person receiving such Confidential  
17 Information, other than the undersigned, must first read this Protective Order and sign a copy of  
18 the Agreement to Comply with Protective Order attached hereto as Attachment A, which signed  
19 copy or copies shall be kept by counsel for the party receiving the Confidential Information.

20 5. The Party’s counsel who receives Confidential Information shall be responsible  
21 for assuring compliance with the terms of this Protective Order by persons to whom such  
22 information is disclosed.

23 6. The termination of this action shall not relieve counsel or other persons obligated  
24 hereunder from their responsibility to maintain the confidentiality of Confidential Information  
25 pursuant to this Protective Order, and the Court shall retain jurisdiction to enforce the terms of  
26 this Protective Order.

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1           7.       By agreeing to the entry of this Protective Order, the Parties adopt no position as  
2 to the authenticity or admissibility of documents produced subject to it.

3           8.       Upon termination of this litigation, including any appeals, each Party's counsel  
4 may request that any recipients of Confidential Information return such information, including  
5 but not limited to any extracts, abstracts, charts, summaries, notes or copies made therefrom,  
6 excluding attorney work product. The Party receiving such a request must promptly comply by  
7 returning the Confidential Information or certifying in writing that the Confidential Information  
8 has been destroyed. Any attorney work product that is not returned or destroyed under this  
9 paragraph shall continue to be kept confidential under the terms of this Protective Order.

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9. Nothing in this Protective Order shall preclude any Party from filing a motion seeking further or different protection from the Court under Rule 26(c) of the Federal Rules of Civil Procedure, or from filing a motion with respect to the manner in which Confidential Information shall be treated at trial.

Respectfully submitted this 25<sup>th</sup> day of September, 2014.

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*Attorneys for Defendant Atlantic Richfield Company*

IT IS SO ORDERED:

  
 UNITED STATES MAGISTRATE JUDGE

DATED: September 26, 2014

**ATTACHMENT A**

**AGREEMENT TO COMPLY WITH PROTECTIVE ORDER**

I, the undersigned, have read and received a copy of the Stipulation and Protective Order (“Protective Order”) in the case of *Diamond X Ranch LLC v. Atlantic Richfield Company*, United States District Court, District of Nevada (the “Court”), Case No.: 3:13-cv-00570 (the “Action”).

I understand the terms of the Protective Order, agree to be bound by its terms, and consent to personal jurisdiction of the Court with respect to the enforcement of the Protective Order even if those proceedings occur after termination of the Action. I agree that I will not disclose in any manner any information or item that is subject to the Protective Order to any person or entity except in strict compliance with the provisions of the Protective Order.

DATED: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

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